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EXAMINER	
HOLLAR, ANDREA B	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/053,872	KALLNER ET AL.	
	Examiner	Art Unit	
	Andrea Hollar	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 January 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-80* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,8-27,33-57 and 63-80* is/are rejected.

7)☒ Claim(s) *3-7,26,28-32 and 58-62* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/24/2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

Claim Objections

Claim 26 is objected to because of the following informalities: line 5 contains the phrase "arranged send". It is assumed that this is a typographical error and "arranged to send" was intended. Appropriate correction is required.

Allowable Subject Matter

Claims 3-7, 28-32, and 58-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8-13, 15-17, 19-21, 23-24, 26, 33-38, 40-42, 44-46, 48-49, 51-53, 56, 63-68, 70-72, 74-76, and 78-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Smyk (6,597,686).

With respect to claim 1, Smyk discloses a method for communication, comprising:

receiving a request from a first party, submitted via a first communication service provider to a telephony application, to place a call using the application to a second party (col. 6, lines 26-32);

responsive to a characteristic of the call placed by the first party, selecting a second communication service provider to carry the call between the application and the second party (col. 6, lines 30-34); and

connecting the second party via the second communication service provider to communicate with the first party using the application (col. 6, lines 43-46).

With respect to claim 8, Smyk discloses that receiving the request comprises receiving an address of the second party to whom the call is to be placed (col. 6, lines 26-27), and wherein selecting the second communication service provider comprises parsing the address to determine the second communication service provider that should be selected (col. 5, line 67 – col. 6, line 3).

With respect to claim 9, Smyk discloses that receiving the address comprises receiving a telephone number (col. 6, lines 26-27), and wherein parsing the address comprises identifying the second communication provider based on a portion of the telephone number (col. 6, lines 7-11).

With respect to claim 10, Smyk discloses that selecting the second communication service provider comprises determining a communication protocol to be used in communicating with the second party, and choosing the second communication service provider such that the second communication service provider supports the communication protocol (col. 6, lines 32-34; col. 3, lines 33-35).

With respect to claim 11, Smyk discloses that receiving the request from the first party comprises communicating with the first party via the first communication service provider using a first communication protocol (col. 6, lines 26-28; col. 3, lines 33-34), and wherein the communication protocol used in communicating with the second party comprises a second communication protocol, different from the first protocol (col. 6, lines 43-46; col. 3, lines 34-35).

With respect to claim 12, Smyk discloses that one of the first and second communication protocols comprises a circuit-switched network protocol, while the other of the first and second communication protocols comprises a packet-switched network protocol (col. 3, lines 33-35).

With respect to claim 13, Smyk discloses that selecting the second communication service provider comprises specifying a selection rule, and applying the selection rule to the characteristic in order to determine the second communication service provider to be selected (col. 5, lines 50-55; col. 5, line 67 – col. 6, line 3).

With respect to claim 15, Smyk discloses that the telephony application comprises a teleconferencing application, and wherein connecting the second party comprises establishing a teleconference between the first and second parties (col. 6, lines 30-32; col. 6, lines 43-46).

With respect to claim 16, Smyk discloses that the telephony application comprises a call center application, and wherein connecting the second party comprises establishing voice communications between a customer and a call center agent (col. 6, lines 30-32; col. 6, lines 43-46).

With respect to claim 17, Smyk discloses a method for communication, comprising:

receiving a request from a first party, submitted to a telephony application, to place a call using the application to a second party (col. 6, lines 26-32);

processing the request to determine a service domain of the call (col. 5, line 67; col. 6, lines 4-5, lines 7-8);

responsive to the service domain, selecting a communication service provider to carry the call between the application and the second party (col. 6, lines 7-11); and

connecting the second party via the communication service provider to communicate with the first party using the application (col. 6, lines 17-22).

With respect to claim 19, Smyk discloses that selecting the communication service provider comprises providing a registry that lists a plurality of communication service providers and respective service characteristics thereof, and choosing the communication service provider to carry the call by comparing the service domain of the call to the service characteristics of the communication service providers in the registry (col. 6, lines 7-11).

With respect to claim 20, Smyk discloses that processing the request comprises determining the service domain by parsing an address of the second party to whom the call is to be placed (col. 6, lines 7-8).

With respect to claim 21, Smyk discloses that receiving the address comprises receiving a telephone number (col.. 6, lines 26-27), and wherein parsing the address comprises determining the service domain based on a portion of the telephone number (col. 5, line 67; col. 6, lines 7-8).

With respect to claim 23, Smyk discloses that the service domain is determined by a communication protocol to be used in communicating with the second party, and wherein selecting the communication service provider comprises choosing the communication service provider such that the communication service provider supports the communication protocol (col. 5, line 67 – col. 6, line 11).

With respect to claim 24, Smyk discloses that processing the request to determine the service domain comprises determining whether to use a circuit-switched network protocol or a packet-switched network protocol to communicate with the second party (col. 6, lines 4-11; col. 3, lines 33-35).

With respect to claim 26, Smyk discloses a communication apparatus, comprising:

a communication interface, arranged to communicate with first and second communication service providers (fig. 4, item 404); and

a communication processor, arranged to send and receive communications via the communication interface (fig. 5, item 504), and further arranged to run a telephony application, such that upon receiving a request from a first party, submitted via the first communication service provider to the telephony application, to place a call using the application to a second party (col. 6, lines 26-32), the processor selects, responsive to a characteristic of the call placed by the first party, a second communication service provider to carry the call between the application and the second party (col. 6, lines 30-34), and connects the second party via the second communication service provider to communicate with the first party using the application (col. 6, lines 43-46).

With respect to claim 33, Smyk discloses that the request comprises an address of the second party to whom the call is to be placed (col. 6, lines 26-27), and wherein the processor is arranged to parse the address to determine the second communication service provider that should be selected (col. 5, line 67 – col. 6, line 3).

With respect to claim 34, Smyk discloses that the address comprises a telephone number, and wherein the processor is arranged to identify the second communication provider based on a portion of the telephone number (col. 6, lines 7-11).

With respect to claim 35, Smyk discloses that the processor is arranged to determine a communication protocol to be used in communicating with the second party, and to choose the second communication service provider such that the second communication service provider supports the communication protocol (col. 6, lines 32-34; col. 3, lines 33-35).

With respect to claim 36, Smyk discloses that the processor is arranged to communicate with the first party via the first communication service provider using a first communication protocol (col. 6, lines 26-28; col. 3, lines 33-34), and wherein the communication protocol used in communicating with the second party comprises a second communication protocol, different from the first protocol (col. 6, lines 43-46; col. 3, lines 34-35).

With respect to claim 37, Smyk discloses that one of the first and second communication protocols comprises a circuit-switched network protocol, while the other of the first and second communication protocols comprises a packet-switched network protocol (col. 3, lines 33-35).

With respect to claim 38, Smyk discloses that the processor is arranged to select the second communication service provider by applying a selection rule to the characteristic in order to determine the second communication service provider to be selected (col. 5, lines 50-55; col. 5, line 67 – col. 6, line 3).

With respect to claim 40, Smyk discloses that the telephony application comprises a teleconferencing application, and wherein the processor is arranged to establish a teleconference between the first and second parties (col. 6, lines 30-32; col. 6, lines 43-46).

With respect to claim 41, Smyk discloses that the telephony application comprises a call center application, and wherein the processor is arranged to establish voice communications

between a customer and a call center agent using the call center application (col. 6, lines 30-32; col. 6, lines 43-46).

With respect to claim 42, Smyk discloses an apparatus for communication, comprising:

a communication interface, arranged to communicate with multiple communication service providers (fig. 4, item 404); and

a communication processor, arranged send and receive communications via the communication interface (fig. 5, item 504), and further arranged to run a telephony application, such that upon receiving a request from a first party, submitted to the telephony application, to place a call using the application to a second party (col. 6, lines 26-32), the processor processes the request to determine a service domain of the call (col. 5, line 67; col. 6, lines 4-5, lines 7-8) and, responsive to the service domain, selects one of the communication service providers to carry the call between the application and the second party (col. 6, lines 7-11), and connects the second party via the selected communication service provider to communicate with the first party using the application (col. 6, lines 17-22).

With respect to claim 44, Smyk discloses a memory, which is arranged to contain a registry that lists the communication service providers and respective service characteristics thereof (fig. 5, item 506), wherein the processor is arranged to choose the communication service provider to carry the call by comparing the service domain of the call to the service characteristics of the communication service providers in the registry (col. 6, lines 7-11).

With respect to claim 45, Smyk discloses that the processor is arranged to determine the service domain by parsing an address of the second party to whom the call is to be placed (col. 6, lines 7-8).

With respect to claim 46, Smyk discloses that the address comprises a telephone number (col. 6, lines 26-27), and wherein the processor is arranged to determine the service domain based on a portion of the telephone number (col. 5, line 67; col. 6, lines 7-8).

With respect to claim 48, Smyk discloses that the service domain is determined by a communication protocol to be used in communicating with the second party, and wherein the processor is arranged to choose the communication service provider such that the

communication service provider supports the communication protocol (col. 5, line 67 – col. 6, line 11).

With respect to claim 49, Smyk discloses that the processor is arranged to choose the communication service provider based on determining whether to use a circuit-switched network protocol or a packet-switched network protocol to communicate with the second party (col. 6, lines 4-11; col. 3, lines 33-35).

With respect to claim 51, Smyk discloses a conference bridge, comprising:

a communication interface, arranged to communicate with first and second communication service providers (fig. 4, item 404); and

a communication processor, arranged send and receive communications via the communication interface (fig. 5, item 504), and further arranged to run a teleconferencing application, such that upon receiving a request from a first party, submitted via the first communication service provider to the teleconferencing application, to establish a teleconference using the application with a second party (col. 6, lines 26-32), the processor selects, responsive to a characteristic of the call placed by the first party, a second communication service provider to carry the call between the application and the second party (col. 6, lines 30-34), selecting, and connects the second party via the second communication service provider to communicate with the first party using the application (col. 6, lines 43-46).

With respect to claim 52, Smyk discloses a media gateway, which is arranged to transcode media communications carried between the first and second communication service providers, in accordance with transcoding instructions from the communication processor, dependent on the selected communication service providers (col. 2, lines 44-57).

With respect to claim 53, Smyk discloses a contact center apparatus, for operation by an agent in the contact center, the apparatus comprising:

a first communication interface, arranged to communicate with first communication service provider on a circuit-switched communication link (fig. 4, item 404);

a second communication interface, arranged to communicate with a second communication service provider on a packet-switched communication link (col. 6, lines 43-46); and

a communication processor, arranged send and receive communications via the communication interfaces (fig. 5, item 504), and further arranged to run a contact center application, such that upon receiving a request from an agent operating the apparatus, submitted to the application, to place a call using the application to a specified party (col. 6, lines 26-32), the processor processes the request to determine whether the call is to be carried on the circuit-switched link or the packet-switched link and accordingly selects one of the communication service providers to carry the call between the application and the specified party (col. 6, lines 30-34), and connects the specified party via the selected communication service provider to communicate with the agent using the application (col. 6, lines 43-46).

With respect to claim 56, Smyk discloses a computer software product, comprising a computer-readable medium in which program instructions are stored, which instructions, when read by a computer that is arranged to communicate with first and second communication service providers, cause the computer to run a telephony application, such that upon receiving a request from a first party, submitted via the first communication service provider to the telephony application, to place a call using the application to a second party (col. 6, lines 26-32), the computer selects, responsive to a characteristic of the call placed by the first party, a second communication service provider to carry the call between the application and the second party (col. 6, lines 30-34), and connects the second party via the second communication service provider to communicate with the first party using the application (col. 6, lines 43-46).

With respect to claim 63, Smyk discloses that the request comprises an address of the second party to whom the call is to be placed (col. 6, lines 26-27), and wherein the instructions cause the computer to parse the address to determine the second communication service provider that should be selected (col. 5, line 67 – col. 6, line 3).

With respect to claim 64, Smyk discloses 64. A product according to claim 63, wherein the address comprises a telephone number (col. 6, lines 26-27), and wherein the instructions

cause the computer to identify the second communication provider based on a portion of the telephone number (col. 6, lines 7-11).

With respect to claim 65, Smyk discloses 65. A product according to claim 56, wherein the instructions cause the computer to determine a communication protocol to be used in communicating with the second party, and to choose the second communication service provider such that the second communication service provider supports the communication protocol (col. 6, lines 32-34; col. 3, lines 33-35).

With respect to claim 66, Smyk discloses that the instructions cause the computer to communicate with the first party via the first communication service provider using a first communication protocol (col. 6, lines 26-28; col. 3, lines 33-34), and wherein the communication protocol used in communicating with the second party comprises a second communication protocol, different from the first protocol (col. 6, lines 43-46; col. 3, lines 34-35).

With respect to claim 67, Smyk discloses that one of the first and second communication protocols comprises a circuit-switched network protocol, while the other of the first and second communication protocols comprises a packet-switched network protocol (col. 3, lines 33-35).

With respect to claim 68, Smyk discloses that the instructions cause the computer to select the second communication service provider by applying a selection rule to the characteristic in order to determine the second communication service provider to be selected (col. 5, lines 50-55; col. 5, line 67 – col. 6, line 3).

With respect to claim 70, Smyk discloses that the telephony application comprises a teleconferencing application, and wherein the instructions cause the computer to establish a teleconference between the first and second parties (col. 6, lines 30-32; col. 6, lines 43-46).

With respect to claim 71, Smyk discloses that the telephony application comprises a call center application, and wherein the instructions cause the computer to establish voice communications between a customer and a call center agent using the call center application (col. 6, lines 30-32; col. 6, lines 43-46).

With respect to claim 72, Smyk discloses a computer software product, comprising a computer-readable medium in which program instructions are stored, which instructions, when

read by a computer that is arranged to communicate with multiple communication service providers, cause the computer to run a telephony application, such that upon receiving a request from a first party, submitted to the telephony application, to place a call using the application to a second party (col. 6, lines 26-32), the computer processes the request to determine a service domain of the call (col. 5, line 67; col. 6, lines 4-5, lines 7-8) and, responsive to the service domain, selects one of the communication service providers to carry the call between the application and the second party (col. 6, lines 7-11), and connects the second party via the selected communication service provider to communicate with the first party using the application (col. 6, lines 17-22).

With respect to claim 74, Smyk discloses that the instructions cause the computer to choose the communication service provider to carry the call by comparing the service domain of the call to service characteristics of the communication service providers stored in a registry that lists the communication service providers and respective service characteristics thereof (col. 6, lines 7-11).

With respect to claim 75, Smyk discloses that the instructions cause the computer to determine the service domain by parsing an address of the second party to whom the call is to be placed (col. 6, lines 7-8).

With respect to claim 76, Smyk discloses that the address comprises a telephone number (col. 6, lines 26-27), and wherein the instructions cause the computer to determine the service domain based on a portion of the telephone number (col. 5, line 67; col. 6, lines 7-8).

With respect to claim 78, Smyk discloses that the service domain is determined by a communication protocol to be used in communicating with the second party, and wherein the instructions cause the computer to choose the communication service provider such that the communication service provider supports the communication protocol (col. 5, line 67 – col. 6, line 11).

With respect to claim 79, Smyk discloses that the instructions cause the computer to choose the communication service provider based on determining whether to use a circuit-

switched network protocol or a packet-switched network protocol to communicate with the second party (col. 6, lines 4-11; col. 3, lines 33-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2, 18, 27, 43, 57, and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk in view of Gaus (6,778,652).

Smyk does not expressly disclose that receiving the request comprises submitting the request to the application via an application programming interface (API), which exposes a platform-independent call model to the application, and wherein connecting the second party comprises connecting the call responsive to an instruction submitted by the application to the API.

Gaus teaches to use an API to provide services such as connection establishment as part of an interface system that serves to integrate PSTN and Internet telephony (col. 15, lines 53-65).

Smyk and Gaus are analogous art because they are from the same field of endeavor of telecommunications systems.

At the time of invention, it would have been obvious to use the API taught by Gaus in Smyk's invention to handle the connection establishment tasks.

The motivation for doing so would have been to utilize the programming advantages of an already-established API.

Therefore it would have been obvious to combine Gaus with Smyk for the benefit of efficient programming to obtain the invention as specified in claims 2, 18, 27, 43, 57, and 73.

Claims 14, 25, 39, 50, 69, and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk in view of Hetz (6,185,289).

With respect to claims 14, 39, and 69, Smyk does not expressly disclose that specifying the selection rule comprises specifying a temporal criterion, so that the second communication service provider is selected depending on a point in time at which the call is placed.

Hetz teaches that subscriber may specify a profile that states that a particular service provider should be used if a call is placed during a particular time (col. 7, lines 52-56).

Smyk and Hetz are analogous art because they are both from the same field of endeavor of routing telephone calls.

At the time of invention, it would have been obvious to allow Smyk's preference information to specify time criteria for which service providers should be selected, as taught by Hetz.

The motivation for doing so would have been to allow the customer to specify times during which a particular service provider should be used because of the service provider's rate structure (Smyk col. 3, lines 2-5).

Therefore it would have been obvious to combine Hetz with Smyk for the benefit of price to obtain the invention as specified in claims 14, 39, and 69.

With respect to claims 25, 50, and 80, Smyk does not expressly disclose that processing the request comprises determining the service domain based on a temporal criterion, depending on a point in time at which the call is placed.

Hetz teaches that subscriber may specify a profile that states that a particular service provider should be used if a call is placed during a particular time (col. 7, lines 52-56).

Smyk and Hetz are analogous art because they are both from the same field of endeavor of routing telephone calls.

At the time of invention, it would have been obvious to allow Smyk's preference information to specify time criteria for which service providers should be selected, as taught by Hetz.

The motivation for doing so would have been to allow the customer to specify times during which a particular service provider should be used because of the service provider's rate structure (Smyk col. 3, lines 2-5).

Therefore it would have been obvious to combine Hetz with Smyk for the benefit of price to obtain the invention as specified in claims 25, 50, and 80.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk in view of Bhuyan (6,724,780).

Smyk discloses the ability to connect a first party with a second party over a circuit switched link (col. 6, lines 4-7) and the ability to connect a first party with a second party over a packet switched link (col. 6, lines 7-11).

Smyk does not expressly disclose the ability to connect a first party to a second party over a circuit switched link while simultaneously connecting the first party to a third party over a packet switched link.

Bhuyan teaches that three-way calling is a well-known service that allows three users to communicate simultaneously (col. 7, lines 52-54).

Smyk and Bhuyan are analogous art because they are both from the same field of endeavor of telecommunications systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Smyk's invention to support three-way calling and allow a user to communicate with two other users simultaneously over both circuit and packet switched networks.

The motivation for doing so would have been to enable Smyk's invention to have similar characteristics as standard telephony systems (col. 7, line 53), thereby allowing the invention to be a viable alternative telephony option for customers.

Therefore, it would have been obvious to combine Bhuyan with Smyk for the benefit of having standard characteristics to obtain the invention as specified in claim 54.

Claims 22, 47, 55, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk in view of Chiniga (6,415,148).

With respect to claims 22, 47, and 77, Smyk does not expressly disclose that selecting the communication service provider comprises selecting one of a plurality of wireless networks over which to make the call, dependent on the address of the second party.

Chiniga teaches that it is known that a wireless service provider can be selected from a plurality of providers based on one or more selection criteria (col. 2, lines 55-56).

Smyk and Chiniga are analogous art because they are both from the same field of endeavor of telecommunications systems.

At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Smyk's invention to select a service provider from a plurality of service providers including wireless providers.

The motivation for doing so would have been to increase the number of potential service providers that can carry calls.

Therefore, it would have been obvious to combine Chiniga and Smyk for the benefit of increased number of potential service providers to obtain the invention as specified in claims 22, 47, and 77.

With respect to claim 55, Smyk discloses a communication processor, arranged to send and receive communications via the communication interface (fig. 5, item 504), and further arranged to run a telephony application, such that upon receiving a request from a user of the system, submitted to the application, to place a call using the application to a specified party (col. 6, lines 26-32), the processor processes the request to determine by which service provider the call is to be carried and accordingly selects one of the providers to use in carrying the call between the application and the specified party (col. 6, lines 30-34), and establishes the call via the selected service provider (col. 6, lines 43-46).

Smyk does not expressly disclose a communication interface that is arranged to communicate over the air with first and second wireless communication service providers over respective first and second air interfaces.

Chiniga teaches that a wireless telephone can have a list of multiple available service providers that are available for use (col. 2, lines 65-66).

At the time of invention, it would have been obvious to one of ordinary skill in the art to allow Smyk's method of selecting a service provider to be used to select Chiniga's service provider.

The motivation for doing so would have been to allow Chiniga to use Smyk's preference information to select a service provider (Smyk col. 5, lines 66-67).

Therefore it would have been obvious to combine Chiniga with Smyk for the benefit of selecting a preferred service provider to obtain the invention as specified in claim 55.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea Hollar whose telephone number is 571-272-5862. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ABH